



Issuance Date: December 9, 2005

Effective Date: January 1, 2006

Expiration Date: June 30, 2009

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT No. WA0039560

State of Washington  
DEPARTMENT OF ECOLOGY  
Olympia, Washington 98504-7600

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
And  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

**JM Martinac Shipbuilding Corporation**  
**401 East 15<sup>th</sup> Street**  
**Tacoma, WA 98421-1699**

Facility Location:  
401 East 15<sup>th</sup> Street  
Tacoma, WA 98421

Water Body I.D. No.:  
1224026474620

Industry Type:  
Ship Construction and Repair (SIC 3731)

Receiving Water:  
**Incidental Discharges from In-Water Vessel  
Maintenance, and Marine Launchways 1 and 2:**  
Thea Foss Waterway (Inner Commencement Bay)

**Treated Stormwater:** Land Application

Discharge Location:  
**Approximate center of land application**  
Latitude: 47° 15' 00" N  
Longitude: 122° 25' 27" W

is authorized to discharge in accordance with the special and general conditions which follow.

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Southwest Region Manager  
Water Quality Program  
Washington State Department of Ecology

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### SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report Outfall 001 GW Monitoring Wells	Monthly Quarterly	February 15, 2006 April 15, 2006
S3.E	Reporting Anticipated Non-compliance and Unanticipated Non-compliance Notification	As necessary	Immediate notification; send written report within 30 days of becoming aware of noncompliance
S3.G	Shellfish Protection	As necessary	
S4.A	Modified Operations and Maintenance Manual or Confirmation Letter	Annually	January 2, 2007
S4.A	Updated Operations and Maintenance Manual	1/permit cycle	January 2, 2009 if no modifications have been submitted during this permit cycle
S4.B	Reporting Bypasses	As necessary	
S5	Draft Engineering Report/Facility Plan	1/permit cycle	July 1, 2006
S5	Final Engineering Report/Facility Plan	1/permit cycle	January 2, 2007
S7.C	Modification to Solid Waste Plan	As necessary	Within 30 days of modification
S7.C	Solid Waste Control Plan Update	1/permit cycle	January 2, 2009 if no modifications have been submitted during this permit cycle
S8.	Modified Spill Plan	As Necessary	Within 30 days of modification
S8.	Spill Plan Update	1/permit cycle, updates submitted as necessary	January 2, 2009 if no modifications have been submitted during this permit cycle
S9.A	Sediment Baseline Sampling and Analysis Plan	1/permit cycle	January 2, 2007

Permit Section	Submittal	Frequency	First Submittal Date
S9.B	Sediment Chemistry Analyses	1/permit cycle	Within 1 year of the approval date of the Sediment Baseline Sampling and Analysis Plan
S10.A	Stormwater Pollution Prevention Plan	1/permit cycle	July 1, 2006
S10.B.1	Copy of transmittal letter of copy of Stormwater Pollution Prevention Plan to municipal operator	1/permit cycle	Whenever the SWPPP is modified or updated
S10.B.2	Modified Stormwater Pollution Prevention Plan	As necessary	Within 60 days of modification
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	January 2, 2008
G8	Notice of Permit Transfer	As necessary	Within 30 days of a transfer
G21	Reporting Anticipated Non-compliance	As necessary	
G22.	Reporting Other Information	As necessary	

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. Nothing in this permit authorizes the violation of state of Washington Surface Water Quality, Ground Water Quality, or Sediment Management Standards.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge treated stormwater into the on-site infiltration basin so long as the treated stormwater limitations are met as shown in S1.A and the groundwater enforcement limitations are met as shown in S1.B. The Permittee is also authorized to release incidental discharges that may result from routine in-water vessel maintenance projects provided the limitations in S1.C and S.11 are met. Large in-water vessel maintenance projects such as repainting entire ships must be approved by the Department on a case-by-case basis.

#### A. Treated Stormwater Effluent Limitations – Outfall #001

The compliance point shall be after the stormwater treatment system before entering the infiltration basin. This discharge to ground is subject to complying with the following limitations:

Parameter	Average Monthly <sup>a</sup>
Oil and grease (mg/L)	10
Total Copper (µg/L)	90
Total Zinc (µg/L)	1,330
pH (s.u.)	Daily minimum is equal to or greater than 6.5 and the daily maximum is less than or equal to 8.5.
<sup>a</sup> The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.	

#### B. Groundwater Enforcement Limitations and Early Warning Value – Groundwater Monitoring Wells # 1 and 2

The discharge of treated stormwater effluent into Outfall #001 is contingent upon meeting the following maximum daily groundwater limitations in Monitoring Wells 1 and 2.

Parameter	Maximum Daily <sup>a</sup>	Early Warning Value <sup>b</sup>
Total Copper (µg/L)	1,000	500
Total Zinc (µg/L)	5,000	2,500
<sup>a</sup> The maximum daily enforcement limitation is defined as the highest allowable daily discharge. The daily		

discharge means the discharge of a pollutant measured during a calendar day. Maximum daily limits apply to wells 1 and 2 only.

<sup>b</sup> Upon detecting concentrations that are in excess of the early warning values, the Permittee shall immediately follow the procedure contained in the approved Operations and Maintenance Manual as per Special Condition S4.A.10. If this situation occurs, a report shall be submitted to the Department within 30 days of completion of the procedure. The early warning limitations apply to wells 1 and 2 only.

C. Marine Launchway 1 and 2 Limitations – Outfalls #002 and #003

The incidental discharge of pollutants into the Thea Foss Waterway from Marine Launchways 1 and 2 are authorized provided that all best management practices (BMPs) necessary to minimize the impact of discharges from Marine Launchways 1 and 2 to the environment as required in this Permit (Special Condition S11) are implemented. The intent of implementing a rigorous BMP program is to be able to comply with State water quality and sediment standards. The Permittee is, at all times, responsible for meeting State Surface Water Quality Standards Washington Administrative Code (WAC 173-201A) and Sediment Management Standards (WAC 173-204). Failure of the Permittee (or its contractors or subcontractors) to implement the BMPs required as part of this permit are in violation of this permit.

D. Incidental discharges to Thea Foss Waterway from In-Water Vessel Maintenance

Incidental discharges from in-water vessel repair/conversion operations to surface receiving waters (Thea Foss Waterway) are authorized provided that all best management practices (BMPs) necessary to minimize the impact of discharges from in-water vessel maintenance to the environment as required in this Permit (Special Condition S11) are implemented. The intent of implementing a rigorous BMP program is to be able to comply with State water quality and sediment standards. The Permittee is, at all times, responsible for meeting State Surface Water Quality Standards (WAC 173-201A) and Sediment Management Standards (WAC 173-204). Failure of the Permittee (or its contractors or subcontractors) to implement the BMPs required as part of this permit are in violation of this permit.

## S2. MONITORING REQUIREMENTS

The Permittee shall monitor in accordance with the following schedule:

A. Monitoring Schedule

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Treated Stormwater Effluent	Flow <sup>1</sup>	GPD	Outfall 001	1/month	Estimated monthly total
Treated Stormwater Effluent	Oil and Grease	mg/L	Outfall 001	1/month	Grab
Treated Stormwater Effluent	Total Suspended Solids	mg/L	Outfall 001	1/month	Grab
Treated Stormwater Effluent	Total Dissolved Solids	mg/L	Outfall 001	1/month	Grab



Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Treated Stormwater Effluent	Total Copper	µg/L	Outfall 001	1/month	Grab
Treated Stormwater Effluent	Total Lead	µg/L	Outfall 001	1/month	Grab
Treated Stormwater Effluent	Total Zinc	µg/L	Outfall 001	1/month	Grab
Treated Stormwater Effluent	pH	S.U.	Outfall 001	1/month	Field measurement
Upgradient and Downgradient Groundwater <sup>1, 2, 3</sup>	Water Level	feet	Groundwater monitoring well #'s 1, 2, and 3	1/quarter <sup>a</sup>	Field measurement
Upgradient and Downgradient Groundwater <sup>1, 2, 3</sup>	pH	S.U.	Groundwater monitoring well #'s 1, 2, and 3	1/quarter <sup>a</sup>	Field measurement
Upgradient and Downgradient Groundwater <sup>1, 2, 3</sup>	Total Dissolved Solids	mg/L	Groundwater monitoring well #'s 1, 2, and 3	1/quarter <sup>a</sup>	Grab
Upgradient and Downgradient Groundwater <sup>1, 2, 3</sup>	Chloride	mg/L	Groundwater monitoring well #'s 1, 2, and 3	1/quarter <sup>a</sup>	Grab
Upgradient and Downgradient Groundwater <sup>1, 2, 3</sup>	Total Copper	µg/L	Groundwater monitoring well #'s 1, 2, and 3	1/quarter <sup>a</sup>	Grab
Upgradient and Downgradient Groundwater <sup>1, 2, 3</sup>	Total Lead	µg/L	Groundwater monitoring well #'s 1, 2, and 3	1/quarter <sup>a</sup>	Grab
Upgradient and Downgradient Groundwater <sup>1, 2, 3</sup>	Total Zinc	µg/L	Groundwater monitoring well #'s 1, 2, and 3	1/quarter <sup>a</sup>	Grab
<sup>a</sup> Quarterly is defined as January-March, April-June, July-September, October-December. Report on March, June, September and December dmrs.					

**Footnotes:**

1. All samples of groundwater shall be collected at the monitoring wells using low flow techniques as recommended in the **Implementation Guidance for the Groundwater Quality Standards** (Ecology Pub. No. 96-02, 1996 as updated).
2. Groundwater samples should be collected during periods of low tide or as close to the low tide as possible. Refer to the tide tables when planning the collection of groundwater samples.
3. A logbook reporting stabilized well purging results (see note 1., above) shall be kept at the facility and shall record pH, specific conductance, temperature and dissolved oxygen) for each well and sampling event. This logbook shall be kept at the facility and be available for review by the Department.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly for Outfall 001 and for the groundwater monitoring wells. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be postmarked or received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to:

Industrial Unit Permit Coordinator  
Department of Ecology  
Southwest Regional Office  
P.O. Box 47775  
Olympia, Washington 98504-7775.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted whether or not the facility was discharging. If there was no measurable discharge at Outfall 001, submit the form as required. In place of the monitoring results, the box for “No Discharge” at the top right side of the discharge monitoring report (DMR) must be checked and the DMR must be submitted to Ecology. Groundwater monitoring is still **required** during periods of no discharge.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem and, if applicable, repeat sampling and analysis of any violation immediately and submit the results to the Department immediately when the results are available, or no later than 30 days after availability of the test results when becoming aware of the violation;
2. Immediately notify the Department of the failure to comply; and
3. Submit a detailed written report to the Department within 30 days (5 days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Maintaining a Copy of This Permit

A copy of this permit must be kept at the facility and be made available upon request to Ecology inspectors.

G. Reporting – Shellfish Protection

Unauthorized discharges from the dry-dock, marine railways and pierside during ship repair/conversion activities into the surface water, shall be reported immediately upon discovery to the Department of Ecology and the Department of Health, Shellfish Program. The Department of Ecology's Southwest Regional Office 24-hour number is (360) 407-6300, and the Department of Health's Shellfish 24-hour number is (360) 753-5992.

**S4. OPERATION AND MAINTENANCE**

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Operations and Maintenance Manual

The O&M Manual shall be reviewed by the Permittee at least annually and the Permittee shall submit to the Department for approval an updated O&M Manual in accordance with WAC 173-240-150 or confirm this review by letter stating that the O&M Manual is up to date to the Department. These annual reviews are to be submitted annually beginning on January 2, 2007. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual. If no modifications to the O&M Manual have been made during this permit cycle, then the Permittee shall review and update the O&M Manual and submit it to the Department no later than **January 2, 2009** before the expiration date of this permit.

The approved operation and maintenance manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this manual.

The operation and maintenance manual shall contain the treatment plant process control monitoring schedule. All operators shall follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the manual shall include:

1. Treatment vault, infiltration system, and infiltration system operational controls;

2. Emergency procedures for plant shutdown and cleanup in event of stormwater conveyance or treatment system upset or failure;
3. Protocols and procedures for ground water monitoring network sampling and testing;
4. Maintenance procedures and schedules for all oil/water separators and/or oil skimming equipment on site.
5. Maintenance procedures and schedules for all catch basins, catch basin inserts, and catch basin filter fabrics.
6. The procedure for allowing a bypass, resulting from a severe storm and associated monitoring and reporting (as per Special Condition S3.B) shall be described in the Plan.
7. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the infiltration basin and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).
8. A description of steps taken to mitigate any threat to groundwater upon exceedance of early warning values contained in Condition S1.B, including sampling to confirm exceedences.

B. Bypass Procedures

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the treatment system.

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
  - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
  - c. The Department is properly notified of the bypass as required in condition S3.E of this permit.
3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production,

maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.

- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under the Revised Code of Washington (RCW) 90.48.120.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

D. Maintenance of Infiltration Media

1. Runoff from the industrial areas of the facility shall be controlled to prevent, to the maximum extent practicable, the discharge to any surface waters of the State or to any land not owned by, or under control of, the Permittee. Building roof areas are not considered industrial areas.
2. The wastewater shall not be applied to the infiltration basin in quantities that:
  - a. Significantly reduce or destroy the long-term infiltration rate of the soil.
  - b. Would cause long-term anaerobic conditions to the soil.
  - c. Would cause leaching losses of pollutants beyond the treatment zone or in excess of the approved design.

**S5. ENGINEERING REPORT/FACILITY PLAN**

No later than **July 1, 2006**, two copies of a draft Engineering Report/Facility Plan (ER/FP) shall be prepared by the Permittee in accordance with WAC 173-240 and submitted to the Department for review and approval. The ER/FP shall provide a recommendation for addressing the following two issues: 1) provide an appropriate pH adjustment system prior to discharge into the on-site infiltration basin (Outfall 001); and 2) provide an assessment of the functional ability of the infiltration basin media and a plan to replace the media (if necessary). The ER/FP shall suffice as meeting the requirements for submitting Plans and Specifications in accordance with WAC 173-240. No later than **January 2, 2007**, two copies of a final ER/FP shall be submitted to the Department (if necessary).

**S6. COMPLIANCE SCHEDULE**

The Permittee shall comply with this compliance schedule or otherwise be in violation of this permit.

- Submit a draft Engineering Report/Facility Plan by **July 1, 2006**.
- Submit a Final Engineering Report/Facility Plan (if necessary) by **January 2, 2007**
- Construct and Install pH Adjusting System by **July 1, 2007**.
- Replace infiltration basin media (if necessary) by **July 1, 2007**.

**S7. SOLID WASTE DISPOSAL**

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit all proposed revisions or modifications to the solid waste control plan to the Department. The Permittee shall comply with any plan modifications. Changes to the Plan shall be sent to the Department within 30 days of the modification. If no modifications to the Solid Waste Control Plan has been made during this permit cycle, then the Permittee shall review and update the Solid Waste Control Plan and submit it to the Department no later than **January 2, 2009**.

**S8. SPILL PLAN**

The Permittee shall review the existing Spill Control Plan at least annually and update the Spill Control Plan as needed. Changes to the Plan shall be sent to the Department within 30 days of the modification. The Plan and any supplements shall be followed throughout the term of the permit. If no modifications to the Spill Control Plan have been made during this permit cycle, then the Permittee shall review and update the Spill Control Plan and submit it to the Department no later **January 2, 2009**.

The Spill Control Plan shall include the following:

- A description of operator training to implement the plan.
- A description of the reporting system which will be used to immediately alert facility managers and legal authorities (i.e. Department of Ecology and US Coast Guard) in the event of a spill or unpermitted discharge.



- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills or unpermitted discharges. The use of dispersants and emulsifiers are prohibited without specific approval from the Director of the Department of Ecology.
- Address the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or 3) other materials which may become pollutants or cause pollution upon reaching the waters of the State.
- Plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.
- In case of a release of sandblast grit and paint into the waterway, the spill plan shall include a provision for skimming of paint and sandblast grit from the waterway.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

The Plan and any supplements shall be followed throughout the term of the permit. The Spill Control Plan shall be kept on site and made available upon request. For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

## **S9. SEDIMENT MONITORING (MARINE)**

### **A. Sediment Sampling and Analysis Plan**

The Permittee shall submit to the Department for review and approval a Sediment Sampling and Analysis Plan for sediment monitoring no later than **January 2, 2007**. The purpose of the plan is to characterize sediment quality in the vicinity of the Permittee's discharge locations. The Permittee shall follow the guidance provided in the Sediment Source Control Standards User Manual, Appendix B: Sediment Sampling and Analysis Plan (Ecology, 1995).

The Sediment Sampling and Analysis Plan shall include, at a minimum, 8 stations in the vicinity of the marine railway and dock. The Sediment Sampling and Analysis Plan shall define a sampling schedule and designate the sampling locations so as to be coordinated with the Thea Foss Waterway Post-Cleanup sediment monitoring program. The Plan shall include characterization of general sediment pollutants of concern, any pollutants that are associated with the shipyard industry that the Thea Foss Waterway post-cleanup sediment monitoring program is not collecting data for. At a minimum, the Plan shall address the pollutants: copper, cadmium, lead, mercury, nickel, silver, zinc, high and low PAHs, phthalates, PCBs, and tributyl-tin (TBT). If these pollutants have already been addressed in the post-cleanup monitoring plan or have been eliminated as parameters of concern, then the submittal of references of documentation sources with a description would be acceptable in lieu of conducting monitoring. For pollutants that are not addressed as part of the Thea Foss Waterway Cleanup program, the Plan shall develop a schedule for

evaluating the quality of the surrounding sediments and establish a sediment quality baseline and long-term sediment quality monitoring of these parameters.

B. Sediment Data Report

Following Department approval of the Sediment Sampling and Analysis Plan, sediments will be collected and analyzed. The Permittee shall submit to the Department a Sediment Data Report containing the results of the sediment sampling and analysis no later than 12 months after Department approval of sediment sampling and analysis plan. The Sediment Data Report shall conform with the approved Sampling and Analysis Plan.

**S10. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

The definitions of terms used in this section are provided in the guidance document entitled **Guidance Manual for Preparing/Updating a Stormwater Pollution Prevention Plan for Industrial Facilities** (Ecology Pub. No. 04-10-030), which is published by the Department of Ecology. The SWPPP shall incorporate the applicable best management practices (BMPs) provided in Special Condition S11 of this permit. The SWPPP include both the BMPs related to the incidental discharges to the Thea Foss Waterway from the pierside operations as well as the BMPs that are related to the treated stormwater discharge to ground.

A. Plan Development Deadlines

The Permittee shall develop, implement, and comply with a SWPPP in accordance with the following schedule:

1. By **July 1, 2007**, update the SWPPP in conformance with this permit and retain it on-site.
2. By **January 2, 2007**, complete the implementation of *operational BMPs* and applicable *source control BMPs*, as required under this Special Condition, which do not require *capital improvements*.
3. By **July 1, 2007**, complete the implementation of BMPs requiring capital improvements, if any.

The guidance for development of a SWPPP is available from:

Industrial Unit Permit Coordinator  
Department of Ecology  
Southwest Regional Office  
P.O. Box 47775  
Olympia, Washington 98504-7775

B. General Requirements

1. Submission, Retention, and Availability:

The Permittee shall submit a copy of the SWPPP to the Department by **July 1, 2007** for review and comment. The SWPPP shall include a discussion of

pollution prevention practices and BMPs that are related to this NPDES permit which regulates the discharge of treated stormwater to ground and incidental discharges to the Thea Foss Waterway. If stormwater discharge is to a municipal storm sewer system, submit a copy of the SWPPP to the municipal operator of the storm sewer system. A copy of the transmittal letter to the municipal operator must be sent to the Department. The SWPPP and all of its modifications shall be signed in accordance with General Condition G1. The SWPPP shall be retained on site.

2. Modifications:

The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) months of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless the Department approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into an SWPPP become enforceable requirements of this permit.

4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in the **Guidance Manual for Preparing/Updating a Stormwater Pollution Prevention Plan for Industrial Facilities**. The plan shall contain the following elements:

- a. Assessment and description of existing and potential pollutant sources.
- b. A description of the operational BMPs.
- c. A description of selected source-control BMPs.
- d. When necessary, a description of the erosion and sediment control BMPs.
- e. When necessary, a description of the treatment BMPs.
- f. An implementation schedule.

C. Implementation

The Permittee shall conduct two inspections per year - one during the wet season (October 1 – April 30) and the other during the dry season (May 1 – September 30).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection shall include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).
2. Personnel named in the SWPPP shall conduct the dry season inspection. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including leachate) to the stormwater drainage system. If an unpermitted, non-stormwater discharge is discovered, the Permittee shall immediately notify the Department.

D. Plan Evaluation

The Permittee shall evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and include a certification, in accordance with Conditions S3.B and G1, that the facility is in compliance with the plan and in compliance with this permit. The record shall identify any incidents of noncompliance.

**S11. BEST MANAGEMENT PRACTICES (BMPS) FOR STORMWATER AND IN-WATER VESSEL MAINTENANCE**

The Permittee shall implement the applicable source reduction and best management practices (BMPs) included in this Section for any applicable area which drains into the facility's stormwater collection and treatment systems. These same BMPs are applicable to in-water vessel maintenance operations which may introduce incidental discharges directly into the Thea Foss Waterway. All employees, contractors, ship owners, and other customers shall be informed and provided copies of the BMPs adopted in the SWPPP as required in Special Condition S10 of this permit. These BMPs shall be posted conspicuously within the work areas.

A. Control of Large Solid Materials

Floatable and low density waste such as wood, plastic, and miscellaneous trash such as paper, insulation, and packaging shall be removed from areas adjacent to, and surrounding the Thea Foss Waterway, and the marine railway.

The area surrounding any docked vessel and the marine railway shall be contained by deploying booms; any floatable and low density waste shall be captured and disposed of properly.

B. Control and Cleanup of Paint Dust and Abrasive Blasting Debris

*No abrasive blasting or hydroblasting shall be performed while vessels are docked pier-side.*

Dust and overspray shall be confined to the shipyard repair and construction areas to the maximum extent feasible during abrasive blasting and spray painting of vessels and modules. Feasible methods of control include conducting the work in a sandblast/spray paint shed, or installing plastic barriers around the vessel. Plastic barriers hung from the vessel, or temporary structures around the vessel should be secure, sealed, and arranged to prevent the fugitive emissions of abrasive grit and dust, as well as effectively capture overspray from spray painting activities. The bottom edge of tarpaulins and plastic sheeting shall be weighed or fastened to remain in place during windy conditions.

Consideration shall also be given to other feasible innovative procedures as appropriate to improve the effectiveness of controlling dust emissions and paint overspray. Such innovative methods may include wet abrasive blasting (slurry blasting), product substitution for blasting media, e.g. sodium bicarbonate, or overall waste minimization and recycling, e.g. the use of vacuum return sandblasting heads or steel shot blast technology.

Cleanup of spent paint, paint chips, protective coating materials, and abrasives shall be undertaken as part of the repair or production activities, to the extent maximally feasible, as to prevent their entry into state waters. Mechanical sweeper along with manual methods and any other innovative methods will be used for cleanup of spent paint, paint chips, protective coating materials and abrasives.

Spent abrasive blasting grit and debris shall be collected and stored under cover in a designated area until it is transported off-site for disposal.

Innovations and procedures which improve the effectiveness of cleanup operations shall be adopted where they are feasible, appropriate, and can be demonstrated as preventing the discharge of solids to water.

C. In-Water Vessel Maintenance and Marine Launchways 1 and 2 – Surface Preparation BMPs

***The cleaning of any portion of a vessel's hull below the waterline while the vessel is afloat is prohibited.***

The following types of surface preparation activities are allowed to be conducted on a vessel's hull above the waterline while it is at a permitted shipyard facility. These activities are only allowed provided that containment and collection BMP measures are in effect to prevent the introduction of dust, dirt, debris or any other pollutants generated from these surface preparation operations from being deposited on, or enter into waters of the state:

- Cloth wiping with an approvable paint solvent.
- Mechanical hand preparation, such as scraping or wire brushing;
- Conventional mechanical grinding or use of other powered mechanical abrading tools;

D. In-Water Vessel Maintenance and Marine Launchways 1 and 2 – Paint and Coating Application BMPs

***The painting of any portion of a vessel's hull below the waterline while the vessel is afloat is prohibited.***

The following methods of paint and coating applications to a vessel's hull while in the water at a permitted shipyard are allowed provided that all containment, collection and spill prevention BMPs are in place before any such applications are made to a vessel's hull:

- Application by roller;
- Application by brush;
- Innovative spray-paint or spray-coating application methods will be allowed to be conducted on a vessel's hull while it is in the water only if it has been demonstrated before-hand to the Department's satisfaction that such methods do not release generated pollutants into the waters of the state. Such areas must be fully contained and must only cover small portions of the hull at any time.

E. BMPs for Floats Used for In-Water Vessel Maintenance and Marine Launchways 1 and 2

Floats are defined as free-floating, unattached work platforms capable of moving back and forth along the length of the ship and around its hull.

Floats shall at all times maintain a minimum of 6-inch of freeboard at the floats' lowest point during all phases of maintenance operations. The minimum 6-inch freeboard requirement must be maintained with all scaffolding configurations and number of persons on board the float. All necessary precautions will be taken by personnel on board the float to prevent paints, cleaning materials, petroleum products, all other liquids and unsecured materials from entering into the water from the float.

Any container of paint, marine coating or any other liquid product for painting or surface preparation of one gallon or greater must be provided with secondary containment when used on board a float. All roller pans used on a float must be provided with secondary spill containment. Secondary spill containment capacity is equal to the entire volume of the container plus 10 percent of the volume of that same container.

F. Documentation Requirements for In-Water Vessel Maintenance or Work In Marine Launchways 1 and 2 BMPs

Documentation requirements will be in effect for any in-water surface preparation operations or work done at Marine Launchways 1 or 2 of one hour or more in duration or any in-water coating or painting operation involving ½ gallon or more of paint or marine coating.

Documentation requirements will consist of, at a minimum, one or more representative photographs of all in-water vessel maintenance BMPs which are implemented for surface preparation operations and all painting and coating operations. All such photographs shall be dated and maintained in a logbook with all necessary descriptive narrative of the in-water vessel maintenance BMPs being documented. These records shall be made available to the Department upon request and be retained on-site for at least three 3 years.

G. Oil, Grease, and Fuel Spills, Prevention and Containment

No discharge of oil or hazardous material, or paint to state waters is allowed, except as specifically authorized by this permit. Oil, grease, fuel, or paint spills shall be prevented from reaching drainage systems or surface waters. Cleanup shall be carried out promptly after an oil, grease, fuel, or paint spill is detected. Oil containment booms and adsorbents

shall be conveniently stored so as to be immediately deployable in the event of a spill. All yard personnel that may participate in cleanup of spills shall be trained in the use and deployment of cleanup equipment.

In the event of an accidental discharge of oil or hazardous material into waters of the state or onto land with a potential for entry into state waters, the Department's Southwest Regional Office Spill Response Section and the United State Coast Guard shall be notified immediately.

1. Cleanup efforts shall commence immediately and be completed as soon as possible, taking precedence over normal work, and shall include proper disposal of spilled material and used cleanup materials.
2. Cleanup of oil or hazardous material spills shall be in accordance with an approved spill control plan, or according to specific instructions of the on-scene coordinator.
3. No emulsifiers or dispersants are to be used in or upon the waters of the state without prior approval from the Director of the Department. Drip pans or other protective devices shall be required for all oil transfer operations to catch incidental spills and drips from hose nozzles, hose racks, drums or barrels. Oils and fuel storage tanks shall be provided with secondary containment.

H. Paint and Solvent Use and Containment

The mixing of paints and solvents shall be carried out in locations and under conditions such that no spill shall enter state waters.

1. Drip pans or other protective devices shall be required for all paint mixing and solvent transfer operations, unless the mixing operation is carried out in covered and controlled areas away from storm drains, surface waters, shorelines, and piers. Drip pans, drop cloths, or tarpaulins shall be used wherever paints and solvents are mixed on wood docks. Paints and solvents shall not be mixed on floats.
2. When painting from floats or near storm drains, paint shall be in cans of five gallons or less. The paint containers shall be kept in drip pans with drop cloths or tarpaulins underneath the drip pans.
3. Paint and solvent spills shall be treated as oil spills and shall be prevented from reaching storm drains and subsequent discharge into the water.

I. Contact Between Water and Debris

Shipboard cooling and non-contact process water shall be directed as to minimize contact with spent abrasives, paint chips, and other debris. Contact between spent abrasives or paint chips and water will be reduced by proper segregation and control of wastewater streams. Appropriate methods shall be incorporated to prevent accumulation of debris in drainage systems and debris shall be promptly removed to prevent its discharge with stormwater.

J. Maintenance of Hoses, Soil Chutes, and Piping

Leaking connections, valves, pipes, hoses, and soil chutes carrying either water or wastewater shall be replaced or repaired immediately. Soil chute and hose connections to

vessels and to receiving lines or containers shall be tightly connected and as leak free as practicable.

K. Bilge and Ballast Water

Bilge waters from machinery or pump room spaces are prohibited from discharge to state waters and must be handled accordingly by a waste oil hauler or tank cleaning service. Yard operators are to encourage vessel owners/operators to de-ballast prior to yard repair periods.

Ballast water shall not be discharged to state waters if solvents, oil, detergents, or other known or suspected additives or contaminants have been added.

L. Chemical Storage

Solid chemicals, chemical solutions, paints, oils, solvents, acids, caustic solutions, and waste materials, including used batteries, shall be stored in a manner which will prevent the inadvertent entry of these materials into waters of the state. Storage shall be in a manner that will prevent spills due to overfilling, tipping, or rupture. In addition, the following practices shall be used:

1. All liquid products shall be stored on durable impervious surfaces and within bermed containment capable of containing 110 percent of the largest single container in the storage area.
2. Waste liquids shall be stored under cover, such as tarpaulins or roofed structures. All waste storage areas, whether for waste oil or hazardous waste, shall be clearly designated as such, and kept segregated from new product storage.
3. Incompatible or reactive materials shall be segregated and securely stored in separate containment areas that would prevent the inadvertent mixing and reaction of spilled chemicals.
4. Concentrated waste or spilled chemicals shall be transported off-site for disposal at a facility approved by the Department or appropriate county health authority in accordance with the solid waste disposal requirements of Special Condition S3. These materials shall not be discharged to any sewer or state waters.

M. Recycling of Spilled Chemicals

Any intercepted chemical spill shall be recycled back to the appropriate chemical solution tank or cleaned up and disposed of properly. The spilled material must be handled, recycled, or disposed of in such a manner as to prevent its discharge into state waters.

N. Identification of Pollutant Sources

To facilitate the consistent and effective implementation of the BMPs described above, the Permittee shall develop a program for training its employees, and all contractors who work at the facility, on BMPs and the environmental concerns related to this permit. There are a variety of ways to accomplish this and the Permittee should determine the method that works best for the company.

For example, regular safety meetings may be a convenient time to discuss BMP implementation successes or problems and get input on better ways of accomplishing



pollution prevention. The Permittee may consider providing similar information to its customers.

O. Sewage and Gray Water Discharges Prohibited

Owners of vessels under repair shall be notified in writing by the Permittee that federal and state regulations prohibit the discharge of sewage and gray water into the waterways.

If untreated, sanitary wastes from vessels must be discharged, the discharge shall be into holding tanks that are periodically emptied into a sanitary sewer system. The Permittee will make available at all times a list of contractors providing disposal services and any other alternatives available for complying with these regulations, such as holding tanks and pump-out facilities.

P. Pierside Controls

It is JM Martinac Shipbuilding Corporation's responsibility to prevent, contain, and cleanup spills from any pierside vessel that the Permittee is working on.

Q. Additional Housekeeping BMPs

Clean regularly all accessible work, service, storage and access areas to remove debris, spent sandblasting material, dust, garbage and any other potential stormwater pollutants. This shall be disposed of properly and immediately; at no time should this material be kept in exposed piles. Sweep rather than hose debris on the dock. If hosing is unavoidable, the hose water must be collected and conveyed to treatment.

## GENERAL CONDITIONS

### G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to the Department.
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

### G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

### **G3. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
  - 1. Violation of any permit term or condition.
  - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
  - 3. A material change in quantity or type of waste disposal.
  - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
  - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
  - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
  - 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
  - 1. A material change in the condition of the waters of the state.
  - 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
  4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
  5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
  6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
  7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
  2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

#### **G4. REPORTING PLANNED CHANGES**

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

#### **G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by the Department. Facilities shall be constructed and operated in accordance with the approved plans.

**G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. DUTY TO REAPPLY**

The Permittee shall apply for permit renewal no later than **January 2, 2008**.

**G8. TRANSFER OF THIS PERMIT**

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

**G9. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**G10. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

**G11. DUTY TO PROVIDE INFORMATION**

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

**G12. OTHER REQUIREMENTS OF 40 CFR**

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

**G13. ADDITIONAL MONITORING**

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

**G14. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

**G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

**G16. UPSET**

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as

required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement preceding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

**G17. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**G18. DUTY TO COMPLY**

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

**G19. TOXIC POLLUTANTS**

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**G20. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

**G21. REPORTING ANTICIPATED NON-COMPLIANCE**

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

**G22. REPORTING OTHER INFORMATION**

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

**G23. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS**

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
  - 1. One hundred micrograms per liter (100 µg/L).
  - 2. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
  - 3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  - 4. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
  - 1. Five hundred micrograms per liter (500 µg/L).
  - 2. One milligram per liter (1 mg/L) for antimony.
  - 3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  - 4. The level established by the Director in accordance with 40 CFR 122.44(f).

**G24. COMPLIANCE SCHEDULES**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.